

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9787 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SATISH M VORA

Versus

STATE OF GUJARAT

Appearance:

MR BD KARIA for Petitioner

MS HARSHA DEVANI, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 27/12/96

ORAL JUDGEMENT

Rule. Service of rule waived by Ms. Harsha Devani, Ld. AGP for the respondents.

2. Heard. The petitioner is a proprietor of M/s. Sonar Petrochem having been registered as a small scale industry and carrying on business in petro-chemical products. It is the say of the petitioner that the

learned District Magistrate, Valsad issued No Objection Certificate on or around 13/9/1995 as per the particulars set out in the petition for storage of petroleum Class-A products. However, the Collector seized petitioner's goods/articles worth Rs.6,40,247/- on or around 20/9/1996 without issuing any notice to the petitioner. He thereafter issued show cause notice on 30/10/1996 to give explanation on or before 19/11/1996. The petitioner gave reply to the show cause notice on 12/11/1996. Still however, the Collector is not hearing the matter under the show cause notice in question and the goods have remained seized for such a long period. That is how the petitioner is before this Court seeking following reliefs in this petition under Article 226 of the Constitution of India :-

- "(a) That this Hon'ble Court be pleased to quash and set aside the impugned show cause notice dated 30th October, 1996 at Exhibit A-1 to this petition;
- (b) That this Hon'ble Court be pleased to direct the respondents to return the seized articles of the petitioner as per the aforesaid show cause notice and the panchnama attached thereto at Exhibit A-1;
- (c) That this Hon'ble Court be pleased to direct the respondents to accept an application dated 12th September, 1996 from the petitioner and to decide whether or not a manufacturing licence is required to be obtained by the petitioner for the manufacture of the end product viz. Patrox by the petitioner;
- (d) That the respondents and its servants be restrained permanently by an order and injunction of this Hon'ble Court from interfering with the manufacture of the end product viz. Patrox by the petitioner and its sale;"

3. It is clear from the facts set out hereinabove that there is no reason why the Collector should have delayed taking of decision into the matter. Although the date was fixed on 19/11/1996 and although it is the say of the petitioner that the petitioner did not remain present on 19/11/1996, the matter could have been thereafter expeditiously dealt with and decided in accordance with law. Hence, since the matter is pending before the Collector, following direction is required to be issued:-

4. The Collector is directed to decide the matter after hearing the petitioner in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of writ of this direction. It will be open to the petitioner to move the learned Collector (respondent no.2 herein) for any interim direction with regard to release of the goods or part of the goods upon the petitioner furnishing appropriate security/bank guarantee. As and when such an application is moved, the same shall be considered and decided bearing in mind the urgency of the matter.

Rule made absolute accordingly. No order as to costs. D.S.P.

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